

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
WAYCROSS DIV.

2010 DEC 23 AM 9:57

CLERK R. Oak
SO. DIST. OF GA.

STEVE GELIS,

Plaintiff,

v.

PENELOPE J. KNOX, USMS,
Supervisory Deputy; PAMELA
L. FOWLER; and Dr. CARTER,

Defendants.

CIVIL ACTION NO.: CV509-022

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff filed an action pursuant to 28 U.S.C. § 1331 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), alleging violations of his constitutional rights while he was housed at D. Ray James Detention Facility. Defendants Donald Jackson, Charles Harden, Pamela L. Fowler and Mark Garner filed a Motion to Dismiss. (Doc. No. 47). Defendants Jackson, Harden, and Garner were dismissed as Defendants in a previously entered Order, (see Doc. No. 59), therefore, the instant Motion is only applicable to Defendant Fowler.

On September 28, 2009, this court entered an Order stating, "Plaintiff is charged with the responsibility of immediately informing this court and defense counsel of any change of address during the pendency of this action. Local Rule 11.1. Failure to do so may result in dismissal of this case." (Doc. No. 13, p. 6). Counsel for Defendants attempted to serve Plaintiff with the answer of Defendant Fowler on August 3, 2010.

The answer was returned by the United States Post Office as undeliverable. Local Rule 41(b) provides that the Court may dismiss an action for want of prosecution where there has been "willful disobedience or neglect of any order of the Court." Defendants filed the instant Motion on September 3, 2010. On September 17, Plaintiff was directed to file any objection to Defendants' Motion. Plaintiff failed to respond.

Based on the foregoing , it is my **RECOMMENDATION** that Defendants' Motion to Dismiss be **GRANTED**. Plaintiff's claims against Pamela Fowler should be dismissed, without prejudice, due to Plaintiff's failure to prosecute.

SO REPORTED and **RECOMMENDED**, this 23rd day of December, 2010.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE